IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

WP(C).No. 25697 of 2006(H)

PETITIONER:

VINCENT AUGUSTINE,
S/O.AUGUSTINE, VELAMKUNNEL HOUSE,
THATTARATHATTA P.O., KARIMKUNNAM VIA,
IDUKKI DISTRICT (WATCHER CUM-PEON, COLLEGE OF
APPLIED SCIENCE, KATTAPPANA.

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:

---

1. INSTITUTE OF HUMAN RESOURCES
DEVELOPMENT, PRAJOE TOWERS, VAZHUTHAKADU,
THIRUVANANTHAPURAM.

2. DIRECTOR, INSTITUTE OF HUMAN RESOURCES
DEVELOPMENT, PRAJOE TOWERS, VAZHUTHAKADU,
THIRUVANANTHAPURAM.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, IHRDE
SRI.S.SUJIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.11.2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 25697 OF 2006

Dated this the 30th November, 2006.

JUDGMENT

The petitioner has got continuous regular service as Watchman-cum-Peon in the College of Applied Sciences, Kattappana from 16.4.2001 onwards. 10% of the vacancies in the post of Junior Office Assistants has to be filled up from feeder categories identified as the last grade posts. The petitioner, admittedly, is a member of the last grade service. He is entitled to be considered against the above 10% vacancies. His claim for consideration was not taken up earlier on the ground that he did not complete the minimum service required for such consideration as a last grade servant.

2. The respondent has declared the satisfactory completion of the probation of the petitioner in the post of Watchman-cum-Peon. It is pertinent to note that the respondents have taken prompt steps to see that the vacancies earmarked for open market candidates are filled up by inviting applications and completing the selection process. But the legitimate claims of the inservice persons for promotion to the category of Junior Office Assistant against the 10% quota reserved for them is delayed.

3. The petitioner is a graduate in Commerce. He possesses the requisite qualifications. He feels aggrieved by the delay on the part of the respondents in not considering his case and not filling up the vacancies reserved for inservice candidates.

4. The statement filed by the respondents show that the petitioner's case could not be favourably considered earlier as he did not complete the minimum period of service in the feeder category. No other reason is stated in the statement for not considering the case of the petitioner. That means, on completion of the minimum period of service as Watchman-cum-Peon, his case is liable to be considered.

5. Heard both sides. Even assuming that the contention urged by the respondents in the statement filed by them is correct, that contention is no more a valid objection, as matters stand now. On completion of the requisite period of two years' service and the declaration of probation, the petitioner has become entitled to be considered for promotion to the post of Junior Office Assistant against the 10% vacancies reserved for such candidates.

4. In the result I hold that the petitioner is entitled to the prayers made in this writ petition. The respondents

are directed to consider the case of the petitioner for internal promotion under 10% quota reserved for last grade servants to the post of Junior Office Assistant as expeditiously as possible, in any event, within one month on the petitioner producing before the second respondent a copy of this judgment. Writ petition is allowed as above.

K.K.DENESAN
Judge

jj